

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 13
Michael Alexander David	:	
	:	
	:	Bk# 19-14074
	:	

OBJECTION TO CERTIFICATION OF DEFAULT FILED ON AUGUST 7, 2020

1. Debtor filed the instant bankruptcy on June 26, 2019.
2. One of Debtor's creditors is Movant, U.S. Bank Trust, N.A. As Trustee for LSF10 Master Participation Trust, who is the mortgage company for Debtor's primary residence.
3. Debtor fell behind on his mortgage payment post petition and entered into a stipulation approved by this court on October 21, 2019, resolving a Motion for Relief filed by Movant.
4. Due to extreme circumstances beyond Debtor's control, beginning in March 2020 until August 2020, Debtor was unable to meet the payment requirements of the stipulation.
5. More specifically, Debtor, who is self employed as a janitorial company, was significantly impacted by the COVID-19 wherein he lost several accounts in March and April 2020.
6. Additionally, Debtor lost his daughter to suicide on June 1, 2020 and had to spend over \$5,000 to bury her.
7. On August 7, 2020, Movant filed a Certification of Default of the Stipulation. See attached Certification.
8. Debtor is now back on track with several new accounts for his business and expects to be able to cure the arrears and continue satisfying the terms of the stipulation within one month.

WHEREFORE, Debtor requests that this Honorable Court sustain the herein Objection to U.S. Bank Trust, N.A.'s Certification of Default and enter the attached Order.

Dated: August 10, 2020

\s\

Jermaine Harris, Esquire
100 South Broad Street, Suite 1523
Philadelphia, PA 19110
(215)385-1091

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

_____	:	Chapter 13
In re:	:	
Michael Alexander David	:	
	:	Bk# 19-14074
_____	:	

ORDER

AND NOW, this _____ day of _____, 2020, upon consideration of Debtor's Objection to Certification of Default and any response thereto,

IT IS HEREBY ORDERED THAT Debtor's Objection is SUSTAINED and Movant U.S.Bank Trust, N.A. as Trustee for LSF 10 Master Participation Trust is DENIED.

J.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 13
Michael Alexander David	:	
	:	Bk# 19-14074
	:	

CERTIFICATE OF SERVICE

I, Jermaine Harris, Esquire, hereby certify that I served a true and correct copy of Debtors' objection to Certification of Default upon the below listed via the court's electronic filing system or by first class regular mail on the date listed below:

Scott F Waterman, Esquire
2901 Saint Lawrence Avenue, Suite 100
Reading, PA 19606

Dorothy David
6037 Lansdowne Avenue
Philadelphia, PA 19151

United States Trustee
200 Chestnut Street, Suite 502
Philadelphia, PA 19106

Robert J. Davidow, Esquire
Phelan Hallinan Diamond & Jones, LLP
126 Locust Street
Harrisburg, PA 17101

Dated: August 10, 2020

\s\

Jermaine Harris, Esquire
100 South Broad Street, Suite 1523
Philadelphia, PA 19110
(215)385-1091

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	:	BK. No. 19-14074 AMC
MICHAEL ALEXANDER DAVID	:	
Debtor	:	Chapter No. 13
	:	
U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF10	:	
MASTER PARTICIPATION TRUST	:	
Movant	:	
v.	:	11 U.S.C. §362
MICHAEL ALEXANDER DAVID	:	
DOROTHY DAVID (NON-FILING CO-DEBTOR)	:	
Respondents	:	
	:	

CERTIFICATION OF DEFAULT

PHELAN HALLINAN DIAMOND & JONES, LLP, attorneys for Movant, hereby certifies that the above-captioned Debtors has failed to comply with the terms of the Stipulation approved by the U.S. Bankruptcy Judge ASHELY M. CHAN on October 21, 2019.

In accordance with the terms of said Stipulation agreed to by the parties, the Automatic Stay is hereby lifted as to permit Movant to proceed with their State Court remedies upon Debtors' property. Movant further certifies that the required Notice of Default was sent to Debtors and Debtors' attorney and Debtors has failed to cure the default.

Dated: August 5, 2020

/s/ Robert J. Davidow, Esquire
Robert J. Davidow, Esq., Id. No.321821
Phelan Hallinan Diamond & Jones, LLP
126 Locust Street

Harrisburg, PA 17101
Phone Number: 215-563-7000 Ext
Fax Number: 215-568-7616
Email: Robert.Davidow@phelanhallinan.com

**PHELAN HALLINAN DIAMOND &
JONES, LLP**

1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000
Bankruptcy Fax # 215-568-7616

Thomas Song, Esquire
BANKRUPTCY ATTORNEY

REPRESENTING LENDERS IN
Pennsylvania

7/22/2020

JERMAINE D. HARRIS, ESQUIRE
21 SOUTH 12TH STREET, SUITE 100
PHILADELPHIA, PA 19107

SENT VIA REGULAR MAIL AND EMAILED TO jermaineh02@msn.com

RE: MICHAEL ALEXANDER DAVID
Bankruptcy No.: 19-14074 AMC

Dear Counselor:

Our client has advised us that payments have not been made in accordance with the terms of the Stipulation agreed to by the parties and approved by the Bankruptcy Court by an Order entered on October 21, 2019.

Pursuant to the terms of the Stipulation, your client has failed to make regular monthly payments, for the months of April 2020 through July 2020 in the amount of \$774.62, with additional Stipulation payments in the amount of \$306.84 for the months of March 2020 through July 2020, less Debtor's suspense in the amount of \$306.80. In order to cure this default, it will be necessary for your client to remit \$4,325.88, representing payments past due under the terms of the Stipulation, within ten (10) days from the date of this letter.

Your clients' payment to cure this default should be remitted to: Phelan Hallinan Diamond & Jones, LLP, 1617 JFK Boulevard, Suite 1400, One Penn Center Plaza, Philadelphia, PA 19103, ATTN: BK DEPT and made payable to CALIBER HOME LOANS, INC.

If your client does not remit the above amount within the ten (10) day period, we will certify default with the Bankruptcy Court and request relief from the automatic stay.

Jessica Gregg, Legal Assistant
Phelan Hallinan Diamond & Jones, LLP

cc: MICHAEL ALEXANDER DAVID
DOROTHY DAVID
CALIBER HOME LOANS, INC.

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY